



## 2007 HIV/AIDS Laws Supplement

This year the California Department of Public Health, Office of AIDS, (CDPH/OA) is issuing a 2007 supplemental update to *A Brief Guide to California's HIV/AIDS Laws, 2006*. In 2007 Governor Arnold Schwarzenegger signed into law HIV-related legislation that strengthens HIV/AIDS prevention and education, reduces barriers to HIV testing in medical settings, and utilizes advancements in reproductive technology for HIV-positive sperm donors.

Assembly Bill (AB)	Code and Section
<b>AB 110 (Laird):</b> Drug Paraphernalia: Clean Needle and Syringe Exchange Projects	<b>Health and Safety Code:</b> Amends: Section 121349.3 Adds: Chapter 1.5, Section 120780 et seq.
Authorizes a public entity that receives State General Fund money from CDPH for the purpose of HIV education and prevention and, as part of an authorized clean needle and syringe exchange program, to use those funds for the purchase of sterile hypodermic needles and syringes, if certain conditions are met.	
<b>AB 203 (Committee on Budget):</b> Health	<b>Health and Safety Code:</b> Amends: Section 120955
Exempts the AIDS Drug Assistance Program's list of drugs from the requirements of the Administrative Procedures Act and the review and approval process of the Office of Administrative Law. Requires the CDPH director to notify the fiscal and policy committees of the Legislature of any additions, deletions, or restrictions to the list within 15 business days of the action.	
<b>AB 629 (Brownley):</b> Sexual Health Education Accountability Act	<b>Health and Safety Code:</b> Adds: Division 120, Section 151000 et seq.
Enacts the Sexual Health Education Accountability Act which requires any program that provides education to prevent adolescent or unintended pregnancy or to prevent sexually transmitted infections and that is conducted, operated, or administrated by the state or any state agency, or funded directly or indirectly by the state, or receives any financial assistance from state funds or funds administered by the state must meet specified requirements. This 2007 statute does not limit the requirements of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act.	

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<b>AB 682 (Berg):</b> HIV/AIDS Testing	<b>Health and Safety Code</b> Amends: Section 125090, 125107 Repeals and Adds: Section 120990
<p>Deletes the provision requiring written consent for an HIV test. Requires a medical provider, prior to ordering an HIV test, to inform the patient that the test is planned, provide information about the test, inform the patient of treatment options for persons that test positive for HIV, and that a person who tests negative for HIV should continue to be routinely tested. If a patient declines the test, the medical provider shall note that fact in the patient's medical file.</p> <p>For pregnant women, this 2007 statute requires medical providers to inform the woman of the intent to perform an HIV test, the routine nature of the test, the purpose of the test, the risks and benefits of the test, the risk of perinatal transmission of HIV, that approved treatments are known to decrease the risk of perinatal transmission of HIV, and that the woman has the right to decline the testing. If during the final review of standard of prenatal care medical tests, the medical provider engaged in the prenatal care of the woman or attending the woman at the time of labor or delivery finds the woman's medical records do not document an HIV test, the provider shall inform the woman, as noted above, and if not declined, the woman's blood shall be tested by a method that will ensure the earliest possible results.</p>	
<b>Senate Bill (SB)</b>	<b>Code and Section</b>
<b>SB 443 (Migden):</b> Tissue Donors: Sperm Donors	<b>Health and Safety Code:</b> Amends Section 1644.5
<p>Expands the exception to the prohibition for therapeutic insemination of sperm or the use of sperm if the donor is found reactive for HIV and human T lymphotropic virus-1 (HTLV-1). Authorizes the use of such sperm for the purposes of insemination or advanced reproductive technology only after the donor's sperm has been effectively processed to minimize the infectiousness of the sperm for that specific donation. Requires informed and mutual consent of the donor and recipient. Directs the CDPH to adopt regulations by January 1, 2010, regulating facilities that perform sperm processing, that prescribe standards for the handling and storage of sperm samples that carry HIV, HTLV-1 or any other virus deemed appropriate by CDPH. Until CDPH adopts these regulations, facilities that perform sperm processing shall follow facility and sperm processing guidelines developed by the American Society of Reproductive Medicine.</p>	
<b>House Resolution (HR)</b>	<b>Code and Section</b>
<b>HR 4 (Dymally):</b> National Black HIV/AIDS Awareness Day in the State of California	N/A
<b>HR 16 (Garcia):</b> National HIV/AIDS Testing Day	N/A
<b>Senate Concurrent Resolution (SCR)</b>	
<b>SCR No. 3 (Cedillo):</b> The Wall Las Memorias Project AIDS Monument: Highway Signs	N/A